

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

GERALD M. THOMPSON, :
Plaintiff : CIVIL ACTION NO. 1:13-1739
v. : (MANNION, D.J.)
(MEHALCHICK, M.J.)
CAROLYN W. COLVIN, :
Commissioner of Social Security :
Administration, :
Defendant :
:

MEMORANDUM

Pending before the court is the report of Magistrate Judge Karoline Mehalchick, which recommends that the decision of the Commissioner of Social Security be reversed and remanded for further proceedings in relation to the plaintiff's claims for disability insurance benefits and supplemental security income payments. Specifically, Judge Mehalchick recommends that on remand the ALJ be directed to re-evaluate the medical opinion of Dr. Thoryk, the plaintiff's treating physician; address the plaintiff's alleged impairment due to recurrent MRSA infections; and address the written statements provided by the plaintiff's friends and family. Both the plaintiff and defendant have waived their opportunity to object to Judge Mehalchick's report and recommendation. (Doc. [16](#), Doc. [17](#)).

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." [Fed.R.Civ.P. 72\(b\)](#), advisory committee notes; see also [Univac Dental Co. v. Dentsply Intern., Inc.](#), 702 F.Supp.2d 465, 469 (2010) (citing [Henderson v. Carlson](#), 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every Report and Recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept or modify, in whole or in part, the findings or recommendations made by the magistrate judge. [28 U.S.C. §636\(b\)\(1\)](#); Local Rule 72.31.

The court has reviewed each of the recommended bases for reversal and remand presented by Judge Mehalchick. Because the court agrees with the sound reasoning that led Judge Mehalchick to the conclusions in her report and finds no clear error on the face of the record, the court will adopt the report in its entirety. An appropriate order shall issue.

s/Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Date: July 23, 2014

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